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Please find below and/or attached an Office communication concerning this application or proceeding.

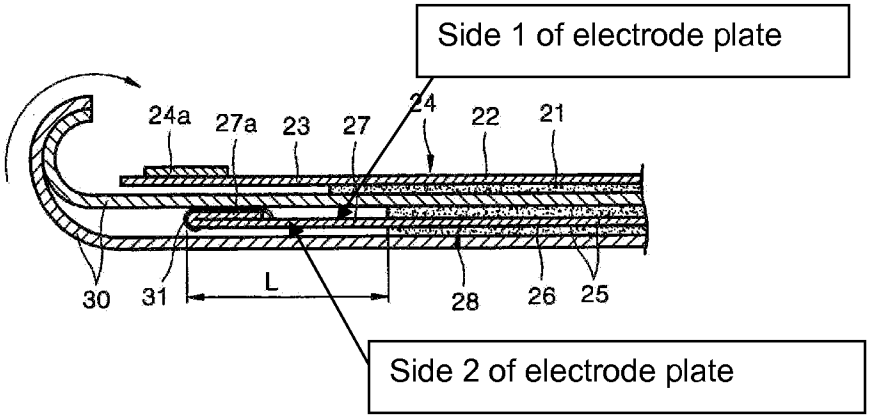
The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 18 September 2008 have been fully considered but they are not persuasive.

Applicant argues that claims 25 and 26 are supported by the drawing below however the examiner disagrees. Therefore this rejection is maintained.

Claims 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims state that "the insulating tape contacts both sides of the at least one of the first electrode plate and the second electrode plate" which is not supported by the original specification or drawings.



The insulating claim only contacts one side of the at least one of the first electrode plate and the second electrode plate. In the above figure the electrode plate (27) has two sides, side 2 has tape (31-thick black line) adhered to it. Side 1 does not have tape

adhered to its side. Therefore the tape only contacts one side of the electrode plate (which is defined in the claims as the at least one of the first electrode plate and the second electrode plate).

Applicant also argues that Shibamoto simply discloses a folded portion and Iwasaki simply discloses and insulating tape applied to an electrode.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).